

Challenge ongoing erosion of workers protection and compensation by questioning candidates

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With the complicity and assistance of the provincial government, workers compensation in BC has been steadily eroded and curtailed. HSA sponsored a team of compensation experts to investigate reductions that have occurred between 2002 and 2008. Their report, soon to be published, revealed a need for immediate action.

Why do elected Members of the Legislative Assembly continue to allow the rights of injured workers to be so drastically reduced? What are current election candidates willing to do to protect workers? HSA encourages you to find out by asking them.



Here are some facts regarding the erosion of workers compensation in recent years.

1. The workers compensation system dramatically changed in 2002, so workers are no longer compensated for full wage loss. Are you aware that the WCB is funded only by employers, not taxpayers, and these dramatic changes to reduce compensation were taken to save employers money, at the expense of injured workers?
2. In 2002, reductions in compensation benefits to injured workers was so dramatic and so sudden that not only did employer WCB assessments fall to one of the lowest rates in Canada, but at the same time, the WCB itself racked up historic surpluses ... more than \$950 million in 2006.
3. Seriously injured workers, whose injuries mean they can never return to work, are routinely denied a wage loss pension. Since 2002, the WCB reduced these pensions by 88 per cent and while an average of 900 permanently injured workers a year typically needed these pensions, in 2006 only 30 workers qualified under WCBs new rules.

Are you also aware that the WCB policy which prevents permanently injured workers from qualifying for these pensions was deliberately passed to save the employers money, without regard to its devastating impact on a worker and his or her family, who are also dealing with a life-changing injury and loss of the ability to work?

4. The dramatic changes at WCB in 2002 included the power of the Board to "deem" that workers are able to return to work, with no regard for a workers disability or the job market, but solely based on a computer and

policy exercise. Therefore, a worker can be -deemed" as returned to work, even if the worker is not able to work or there is no job available which the worker can actually do.

The -return to work" designations are fictional. While the -virtual" return to work statistics are great public relations for the WCB, they hide the terrible fact that the Board no longer helps injured workers return to work, and has cut its vocational rehabilitation budget by over 98 per cent since 2002.

5. The philosophy and practice of the WCB has changed. It now calls itself -WorkSafeBC" and it no longer presents itself as being about workers compensation and rehabilitation. Rather, -WorkSafe" is generally disposed to deny claims from injured workers in an effort to protect the employers Accident Fund. This attitude is often harmful to injured workers, who turn to the WCB for support and assistance in their recovery.



iven these dramatic changes which have hurt injured workers and their families, please comment on the following:

6. Do you agree that injured workers should receive compensation for their full wage loss during their time of temporary disability from work?

7. Do you agree that the WCB should resume an active role in real vocational rehabilitation and help injured workers return to work at real jobs?

8. Do you agree that all workers with a permanent injury should be assessed for the impact of their injury on their ability to earn, and that this assessment should be based on what the worker was able to earn before the injury and what the worker is able to earn after the injury. Do you also agree that the assessment should only consider real jobs that the worker can really do and which are reasonably available to that worker?

9. Do you agree that if a permanently injured worker suffers a loss of earning capacity, that worker should be fully compensated for this loss in the form of a loss of earnings pension?

10. Would you support legislative reform to section 23(3) of the *Workers Compensation Act* to restore loss of earnings pensions as one of two types of pensions available to all permanently injured workers in BC?

11. Do you agree that the WCB should resume its former policies ensure that permanently injured workers continued to have a full compensation pensions over their lifetime, such as keeping a cost of living index in place and no cut-off at age 65?

12. Do you agree that the WCB should resume the payment of interest for any retroactive benefits, to provide an incentive for the Board to make fair and timely payments to workers?

13. Would you agree that section 5.1 of the *Workers Compensation Act* unfairly restricts the definition of psychological injuries? For example, section 5.1 sets criteria for the acceptance of psychological injuries which is much more restrictive and even contrary to the standards and criteria used by Canadian mental health professionals and the American Psychiatric Association.

The restrictive criteria of section 5.1 results in many of the occupational hazards of emergency workers ... police, firefighters and ambulance workers ... being denied, when they have psychological reactions to incidents in their work environments.

14. Would you agree to providing legislative protection in the *Workers Compensation Act* to chronic pain sufferers, given that the WCB now restricts their entitlement to 2.5 per cent disability, and denies that a permanent chronic pain disability can be reliably assessed as greater than this? All this is despite clear medical evidence and court rulings that a chronic pain disability can range up to 100 per cent disability including a 2003 case from the Supreme Court of Canada.

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